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Attorney for Defendants Atlantic City Board of Education, former Superintendent Paul A. Spaventa, and current Superintendent Barry Caldwell

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

JANE DOE, on behalf of JOHN DOE,
her minor child,

Plaintiffs,

v.

MARTY SMALL, SR., et al.,

Defendants.

Hon. Joseph H. Rodriguez, U.S.D.J.

Hon. Sharon A. King, U.S.M.J.

Docket No. 1:21-cv-11189-JHR-SAK

**NOTICE OF MOTION TO DISMISS
PURSUANT TO
FED. R. CIV. P. 12(B)(6)**

TO: United States District Court
District of New Jersey – Camden Vicinage
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

Terrell A. Ratliff, Esq.
Lento Law Group P.C.
300 Atrium Way, Suite 200
Mt. Laurel, NJ 08054
Attorney for Plaintiffs

Jeffrey L. Shanaberger, Esq.
Hill Wallack, LLP
21 Roszel Road, PO Box 5226

Princeton, NJ 08543-5226

Attorney for Defendant La'Quetta Small (in her official capacity as former Principal of the Pennsylvania Avenue School)

PLEASE TAKE NOTICE that on August 2, 2021, or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendants Atlantic City Board of Education, former Superintendent Paul A. Spaventa, and current Superintendent Barry Caldwell will move before the Honorable Joseph H. Rodriguez, U.S.D.J., for an Order dismissing (a) all claims against Spaventa and Caldwell in Counts 1-3, 5-6, and 8, and (b) all claims against the Board in Counts 1-3 and 5-8 except for the vicarious liability components of Counts 5 and 6 which are based on Principal Small's alleged negligence and gross negligence in the performance of her official duties.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the attached Brief and Certification of Counsel with Exhibits in support of the motion.

PLEASE TAKE FURTHER NOTICE that pursuant to Fed. R. Civ. P. 78, oral argument is not requested.

A proposed form of Order is attached.

ANDERSON & SHAH LLC

Dated: July 8, 2021

By: s/ Benjamin H. Zieman
Benjamin H. Zieman, Esq.